

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BRAXTON RANDALL COOPER,
Plaintiff,

V.

**DEPUTY OLIVER, et al.,
Defendants.**

C.A. No. 23-345 Erie

District Judge Susan Paradise Baxter
Chief Magistrate Judge Richard Lanzillo

MEMORANDUM ORDER

Plaintiff Braxton Randall Cooper, an inmate incarcerated at the State Correctional Institution at Albion, Pennsylvania, commenced this *pro se* civil rights action in the United States District Court for the Eastern District of Pennsylvania on November 22, 2023. The action was subsequently transferred to this Court on December 1, 2023 [ECF Nos. 3, 4]. The action was referred to Chief United States Magistrate Judge Richard A. Lanzillo for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

On April 2, 2024, the Clerk of this Court lodged, but did not file, Plaintiff's amended complaint due to numerous deficiencies due to multiple deficiencies in his filing. On April 4, 2024, the Clerk issued Plaintiff a deficiency notice advising him that he (1) failed to pay the required filing fee or, alternatively, to file a motion to proceed *in forma pauperis* with supporting affidavit and certified institutional account statement as required by 28 U.S.C. § 1915 (a); and (2) failed to properly identify the Defendants in his amended complaint [ECF No. 9]. The deficiency notice further advised Plaintiff that he was required to cure the deficiencies within thirty (30) days of the date of the notice. (*Id.*).

On August 21, 2024, after Plaintiff failed to cure any of the deficiencies identified in the deficiency notice, Judge Lanzillo issued an Order directing Plaintiff to show cause for his failure or, alternately, to cure the previously identified deficiencies by September 20, 2024. [ECF No. 15]. The Order further advised Plaintiff that his "[f]ailure to comply with this Order will result in a recommendation that this action be dismissed for failure to prosecute." (Id.). On October 16, 2024, Plaintiff filed a late response to the show cause Order, which failed to either cure any of the deficiencies identified by the Court or provide a reasonable explanation for his failure to do so. [ECF No. 16].

As a result, on February 3, 2025, Judge Lanzillo issued a Report and Recommendation ("R&R") recommending that this case be dismissed for Plaintiff's failure to prosecute. [ECF No. 21]. Objections to the R&R were due to be filed by February 20, 2025; however, no timely objections have been filed.

AND NOW, this 10th day of June, 2025;

IT IS HEREBY ORDERED that this case is DISMISSED for Plaintiff's failure to prosecute. The Report and Recommendation of Chief Magistrate Judge Lanzillo, dated February 3, 2025 [ECF No. 21], is adopted as the opinion of this Court.

The Clerk is directed to mark this case CLOSED.


SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Richard A. Lanzillo
Chief U.S. Magistrate Judge